

Message Text

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ACTION OES-07

INFO OCT-01 AF-10 ARA-10 EUR-12 EA-10 ISO-00 ACDA-12
AGRE-00 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00
DLOS-09 DODE-00 DOTE-00 EB-08 EPA-01 SOE-02
DOE-11 FMC-01 TRSE-00 H-01 INR-07 INT-05 IO-13
JUSE-00 L-03 NSAE-00 NSF-01 OMB-01 PA-01 PM-05
PRS-01 SP-02 SS-15 NSCE-00 SSO-00 USIE-00 INRE-00
/156 W

-----050983 190112Z /14

O R 182240Z JAN 78
FM AMEMBASSY QUITO
TO SECSTATE WASHDC IMMEDIATE 6987
AMEMBASSY LIMA IMMEDIATE
RUEHDC DOC WASHDC IMMEDIATE
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY DAKAR
AMEMBASSY GUATEMALA
AMEMBASSY LONDON
AMEMBASSY MADRID
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY OTTAWA
AMEMPABBY PANAMA
AMEMBASSY PARIS
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY SANTIAGO
AMEMBASSY TEGUCIBALPA
AMEMBASSY TOKYO
AMEMBASSY WELLINGTON
AMCONSUL CURACAO
AMCONSUL HAMILTON

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STATE FOR OES - MR. HALLMAN

DOC FOR NMFS - MR. BLONDIN

LIMA FOR MR. FINAN (ARA/RPP)

E.O. 11652: GDS

TAGS: EFIS, PFOR, PLOS, EC

SUBJECT: ECUADOR'S POSITION ON NEGOTIATING A NEW TUNA TREATY

REF: STATE 292193

1. IN A RESPONSE TO THE DEMARCHE MADE ON DECEMBER 16, THE FOREIGN MINISTRY PRESENTED EMB ON JANUARY 17 WITH A SIX PAGE AIDE MEMOIRE REGARDING THE GOE'S PRESENT POSITION ON NEGOTIATING A NEW TUNA TREATY AND PRINCIPALLY ADDRESSED TO THE MEXICAN-COSTA RICAN WORKING PAPER WHICH WAS DISCUSSED AT THE SAN JOSE PLENIPOTENTIARIES MEETING LAST SEPTEMBER. AFTER REVIEWING THE DOCUMENT, EMBOFFS MET WITH AMBASSADORS ALFREDO LUNA TOBAR, DIRGEN OF TERRITORIAL SOVEREIGNTY, AND LUIS PONCE ENRIQUEZ, SR. ADVISOR ON MARINE AFFAIRS, TO TALK ABOUT IT FURTHER ON JANUARY 18.

2. GOE STRESSES IN AIDE MEMOIRE FROM BEGINNING THAT IT IS VITALLY INTERESTED IN A REGIONAL TREATY AIMED AT CONSERVATION OF SPECIES, AND WOULD NOT LIKE TO BE ABSENT FROM ANY ORGANIZATION WITH THAT END. HOWEVER, GOE WOULD NOT BE IN FAVOR OF HOLDING A NEGOTIATING CONFERENCE PRIOR TO THE NEXT SESSION OF THE LAW OF THE SEA CONFERENCE BOTH BECAUSE OF FEAR THAT THE RESULTS OF THE MEETING MIGHT AFFECT ADVERSELY ITS LOS POSITION, AND BECAUSE THEY BELIEVE THAT THERE MAY NOT BE SUFFICIENT TIME TO
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PREPARE. DURING THE CONVERSATION WITH EMBOFFS IT BECAME CLEAR THAT GOE WOULD PROBABLY ATTEND THE CONFERENCE EVEN IF IT WERE HELD BEFORE LOS, BUT THAT THE MONTH OF FEBRUARY WOULD BE VERY WOULD BE VERY DIFFICULT FOR THEM SINCE KEY PERSONNEL (INCLUDING THE TWO INTERLOCUTORS) WOULD BE BUSY ELSEWHERE.

3. GOE PERCEIVES NUMEROUS DIFFICULTIES IN THE WORKING PAPERS SUGGESTED PREAMBLE AND ELSEWHERE BECAUSE OF ALLUSIONS TO EMERGING JURIDICAL POSITIONS WHICH ECUADOR HAS NOT YET ACCEPTED, VIZ, BREADTH OF TERRITORIAL SEA. ECUADOREAN SIDE ACKNOWLEDGED, HOWEVER, THAT LANGUAGE COULD PROBABLY BE FOUND TO FINESSE THE PROBLEM.

4. GOE ARGUES THAT TREATY MUST BE STRICTLY CONFINED TO CONSERVATION AND THAT THE INTERNATIONAL ADMINISTRATION OF TUNA IN ITS OTHER ASPECTS WOULD CONFLICT WITH THE COASTAL STATE'S SOVEREIGNTY. IT REJECTS, FOR INSTANCE, THE IDEA OF THE INTERNATIONAL BODY LICENSING FISHING IN TERRITORIAL WATERS AND THEN COLLECTING AND DISTRIBUTING THE LICENSE FEES. WHILE ACKNOWLEDGING THAT AN INTERNATIONAL LICENSING SYSTEM AND DISTRIBUTION OF FEES BASED UPON

CONCENTRATION OF TUNA WOULD REDUCE THE ECONOMIC RISK FOR BOTH FISHERS AND COASTAL COUNTRIES, THE ECUADOREANS SEEMED RESOLUTE ON THIS POINT IN THE ABSENCE OF A COMPROMISE SCHEME WHICH WOULD PRESERVE THEIR SOVEREIGNTY INTERESTS. SIMILARLY, IT HOLDS THAT THE COASTAL STATE SHOULD CONTROL THE MONITORING OF THE CATCH DISCHARGE ON ITS TERRITORY, NOT AN INTERNATIONAL ORGANIZATION. NEVERTHELESS, THEY WERE WILLING TO GO ALONG WITH AN AGREEMENT TO ESTABLISH UNIFORM FEES AND CONDITIONS FOR LICENSES.

5. GOE BELIEVES THAT EITHER A 2/3 OR 3/4 VOTING SYSTEM OUGHT TO BE ESTABLISHED. HOWEVER, IT SUPPORTS THE VETO POWER OF A COASTAL STATE ON MEASURES WHICH DIRECTLY
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AFFECT IT.

6. ECUADOR SUPPORTS PARA. 14 OF MEXICAN-COSTA RICAN PAPERS REGARDING THE SATURATION OF FISHING AS THE POINT OF DEPARTURE FOR SETTING LIMITS. GOE OBSERVES, HOWEVER, THAT THERE SEEMED TO BE SOME PROBLEM IN SAN JOSE IN DEFINING "OPTIMUM SUSTAINABLE YIELD".

7. GOE REJECTS THE ASSIGNMENT OF ALLOCATIONS TO THE COASTAL STATES BY THE INTERNATIONAL ORGANIZATION. IT

HOLDS THAT THE COASTAL STATE IS THE PROPRIETOR OF RESOURCES WITHIN ITS TERRITORY AND CAN FISH TO ITS CAPACITY IN ACCORDANCE WITH CONSERVATION PRINCIPLES RECOMMENDED AND ESTABLISHED BY THE ORGANIZATION. PONCE AND LUNA, EMPHASIZED IN THE CONVERSATION THAT THEY WERE NOT CONCERNED ABOUT THE SIZE OF ALLOCATIONS, BUT RATHER THAT THE ARBITRARY ASSIGNMENT OF QUOTAS WOULD DO VIOLENCE TO THEIR INTERPRETATION OF SOVEREIGNTY.

8. COMMENT: THE ECUADOREAN POSITION REFLECTS AN ATTEMPT TO BE FORTHCOMING TOWARDS THE FORMATION OF A SUCCESSOR TO THE IATTC WHILE AT THE SAME TIME PRESERVING ITS CONCEPT OF SOVEREIGNTY WITHIN THE 200 MILE ZONE. IT WOULD PROBABLY BE MUCH EASIER FOR GOE TO NEGOTIATE A TUNA TREATY AFTER THE ADOPTION OF AN LOS TREATY THAN BEFORE. HOWEVER, IT SEEMS TO RECOGNIZE THAT ITS LONG-TERM ECONOMIC INTERESTS WILL BE SERVED BETTER BY A REGIONAL AGREEMENT AND CONSEQUENTLY WE SUSPECT THAT ITS POSITIONS ARE NOT NEARLY AS HARD AS THEY SEEM. THE KEY TO SOMPROMISE IS TO DISCOVER THE PROPER TREATY LANGUAGE AND MECHANISMS WHICH WILL PERMIT IT ACCEDE WITHOUT SEEMING TO SURRENDER ITS PRINCIPLES OF SOVEREIGNTY.
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BLOOMFIELD

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